

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:13 cr 43-1**

UNITED STATES OF AMERICA,)	
)	
Vs.)	
)	ORDER
MATT DAVIS, ET AL.,)	
)	
Defendants.)	
<hr style="width:40%; margin-left:0"/>)	

THIS MATTER has come before the undersigned pursuant to a Motion to Reconsider Deferring of Preliminary (Consent) Forfeiture Order (#165) filed by the Government. The record in this matter shows that Defendant has entered into a plea agreement with the Government pursuant to Rule 11(c)(1)(C). In the plea agreement, the Government and the Defendant have agreed that a specific sentence is the appropriate disposition of the case. The undersigned advised the Defendant during the Rule 11 inquiry (#157) as follows:

I am advised from the plea agreement that the attorneys for the Government and you and your attorney have agreed that a specific sentence is the appropriate disposition of your case and if the District Court accepts the plea agreement, the agreed sentence will be included by the Court in the Judgment. If the District Court rejects the plea agreement, and in particular the specific sentence recommendation, then you will be given an opportunity to withdraw your plea of guilty.

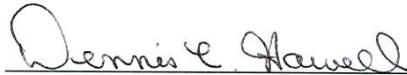
Due to the terms of the plea agreement, the undersigned declined to execute a Consent Order and Judgment of Forfeiture which provided for Defendant's

forfeiture of various amounts of currency and other financial instruments. The motion of the Government does not show that the undersigned has committed any error in that regard and for that reason, the undersigned will deny the motion to reconsider. If the District Court accepts the plea of guilty the government may then present for execution the Preliminary Forfeiture Order.

ORDER

IT IS, THEREFORE, ORDERED that the Motion to Reconsider Deferring of Preliminary (Consent) Forfeiture Order (#165) is hereby **DENIED, without prejudice.**

Signed: September 10, 2014



Dennis L. Howell
United States Magistrate Judge

